

Laura Johnston

From: 69841-31477792@requests.muckrock.com
Sent: Monday, February 25, 2019 11:30 AM
To: Laura Johnston
Subject: Massachusetts Public Records Law Request: Adoption of G.L. Chapter 258, Section 13, or G.L. Chapter, 41, Section 100.

Oak Bluffs Town Clerk
PRL Office
PO Box 2490
Oak Bluffs, MA 02557

February 25, 2019

To Whom It May Concern:

Pursuant to the Massachusetts Public Records Law, I hereby request the following records:

Any and all documents which indicate the whether the Town of Oak Bluffs has accepted the provisions of G.L. Chapter 258, Section 13, or the provisions of the predecessor statute, G.L. Chapter, 41, Section 100, and the date of any such acceptance.

I also request that, if appropriate, fees be waived as we believe this request is in the public interest, as suggested but not stipulated by the recommendations of the Massachusetts Supervisor of Public Records. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

I expect the request to be filled in an accessible format, including for screen readers, which provide text-to-speech for persons unable to read print. Files that are not accessible to screen readers include, for example, .pdf image files as well as physical documents.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Mary Connaughton Pioneer Institute

Filed via MuckRock.com

E-mail (Preferred): 69841-31477792@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/oak-bluffs-town-clerk-15632/adoption-of-gl-chapter-258-section-13-or-gl-chapter-41-section-100-69841/?uuid-login=1e9a535e-4427-

<4017-8f44-3753e027d074&email=ljohnston%40oakbluffsma.gov#agency-reply>

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 69841
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



2. To place boundary markers along said mean high water line, as determined by the survey in item No. 1 above, in order that the location of the mean high water line may be readily determinable.
3. To determine, by survey, by a registered surveyor the location of the area in the Oak Bluffs Harbor for a Dinghy mooring and landing float granted to the East Chop Yacht Club under license No. 2121 and accompanying plan by the Commonwealth of Massachusetts Dept. of Public Works on October 25, 1939 and recorded in the Dukes County Registry of Deeds.
4. To determine by survey, by a registered surveyor the location of the retaining wall for the wood bulkhead and actual Locus of wood bulkhead in Oak Bluffs Harbor, as referred to in Plan No. 35-38C (11-LF) Entitled "Locus of Bulkhead, scale of 40, January 1936, Wm. S. Swift, Inc., Vineyard Haven, Mass.
5. To record with the Dukes County Registry of deeds the results of the surveys conducted in items No. 1, 3 and 4 above.
6. To direct the Board of Selectmen, for the Town of Oak Bluffs to exercise complete control over the wood Bulkhead and up to the mean high water line in the Oak Bluffs Harbor, as determined by the results of the survey referred to in the item No. 4 above, for the use, enjoyment and benefit of the people of the Town of Oak Bluffs, or take any other action relative thereto.

(Selectmen's Article, upon request of Deolinda Marinelli, Recommended by the Finance Committee)

Article 37.

To see if the Town will vote to accept Section 100I of Chapter 41 of the General Laws which provides that the Town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim demand, suit or judgment by reason of any act or omission including a violation of the civil rights of any person under any federal law, if the official at the time of such act or omission was acting within the scope of his official duties or employment, or take any other action relative thereto
(Selectmen's Article)

Article 38. To see if the Town will vote to accept as a public way Moss Avenue which runs from Laurel Avenue to Summerfield Park, and which is parallel to Wayland Avenue, or take any other action relative thereto. (By Petition, No Recommended by the Finance Committee)

Article 39. To see if the Town will vote to install a street light on pole No. 46 on West Avenue. (By Petition, Recommended by the Finance Committee)

Article 40. To see if the Town will vote to assume responsibility for the street light on pole No. 138-75 on County Road at the entrance to Waterview Farm and to pay the electric charges therefor, or take any other action relative thereto. (By Petition, Recommended by the Finance Committee)

Article 41. To see if the Town will vote to decrease the number of members of the Planning Board from Nine to Five, or take any other action relative thereto. (Planning Board Article)

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Article 15. Voted to postpone this Article.

Article 16. Voted as amended.

Voted to accept and approve a bond issue for a sum of \$2,574,000.00 over a period of twenty years to expand the facilities at the Martha's Vineyard Regional High School. So voted as amended.

Article 18. Voted to raise and appropriate the sum of Three Thousand Dollars (\$3,000.00) for the purchase of one UHF FM two-way Mobile Emergency Medical Systems radio for the Class One Ambulance so as to provide direct communications with the hospital. So voted unanimously.

Article 19. Voted to raise and appropriate the sum of Five Hundred Dollars (\$500.00) for the expenses of the Personnel Board for fiscal year 1979. So voted unanimously.

Article 20. Voted to raise and appropriate the sum of Thirty-five Thousand Dollars (\$35,000.00) for installing proper drainage on Lagoon Road. So voted unanimously.

Article 21. Voted to raise and appropriate the sum of Twenty-five Thousand Dollars (\$25,000.00) for the purpose of hardsurfacing Lagoon Road. So voted unanimously.

Article 22. Voted to table this Article.

Article 23. Voted to transfer the sum of Eight Thousand Dollars (\$8,000.00) from Surplus Revenue to be spent under the provisions of Chapter 356 of the Acts of 1977, and upon reimbursement of said sum by the Commonwealth of Massachusetts, such sum to be returned to Surplus Revenue. So voted unanimously.

Article 24. Voted to raise and appropriate the sum of Two Thousand Six Hundred Sixty-seven Dollars (\$2,667.00) to be spent under the provisions of Chapter 356 of the Acts of 1977, said sum being the local share of the costs of work to be done under said act. So voted unanimously.

Article 25. Voted to table this Article.

Article 26. Voted to amend.

Voted to raise and appropriate the sum of Nine Thousand Dollars (\$9,000.00) to hire a Professional Engineering firm for service to be performed in conjunction with the preparation of a Step I Facilities Plan document for a Proposed Sewer System in the Town of Oak Bluffs and that the Selectmen are authorized to apply for, accept, and expend any State and Federal Aid which may be Available. So voted unanimously as amended.

Article 27. Voted to form a sewer committee consisting of five members; three members to be appointed by the Planning Board and two members to be appointed by the Board of Health, all for one year; and to further raise and appropriate the sum of Five Hundred Dollars (\$500.00) for the expenses of said committee for fiscal year 1979. So voted unanimously.

Article 28. Voted to return to Surplus Federal Revenue Sharing Funds the sum of Nine Thousand Eight Hundred and One Dollars and Twenty-eight Cents (\$9,801.28) from the Federal Revenue Sharing Appropriation for construction of a new comfort station at the Oak Bluffs Harbor, said sum representing the unexpended balance of said appropriation. So voted unanimously.

Article 29. Voted to raise and appropriate the sum of Six Thousand Dollars (\$6,000.00) to purchase a sander for the Highway Department. So voted unanimously.

Article 30. Voted to raise and appropriate the sum of Nine Thousand Dollars (\$9,000.00) for the payment of unemployment compensation insurance for the period of July 1, 1978 to June 30, 1979, inclusive. So voted unanimously.

Article 31. Voted to raise and appropriate the sum of One Thousand Two Hundred Dollars (\$1,200.00) for a Coast Guard and Police portable radio for use by the Harbor Master's Department. So voted unanimously.

Article 32. Voted to dissolve the Library Study Committee and to establish a Library Building Committee and to further raise and appropriate the sum of Six Hundred Dollars (\$600.00) for the expenses of said committee. So voted unanimously.

Article 33. Voted to raise and appropriate the sum of Five Thousand Two Hundred Fifty Dollars (\$5,250.00) for architectural services to be expended by the Library Building Committee. So voted unanimously.

Article 34. Voted as amended.

Voted to expend from Surplus Federal Revenue Sharing Funds the sum of Eight Thousand Dollars (\$8,000.00) to purchase a chipper for use at the sanitary landfill. So voted unanimously.

Article 37. Voted as corrected - *

Voted to accept Section 100i of Chapter 41 of the General Laws which provides that the Town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim demand, suit or judgement by reason of any act or omission including a violation of the civil rights of any person under any federal law, if the official at the time of such act or omission was acting within the scope of his official duties or employment. So voted unanimously.

Article 38. Voted to defeat this Article.

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 41** OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS**Section 100** INDEMNIFICATION OF POLICE OFFICERS, FIREMEN AND PERSONS AIDING THEM; ACTIONS FOR INTENTIONAL OR NEGLIGENT INJURIES INFILCTED UPON SAME

Section 100. Upon application by a fire fighter or police officer of a city, town or fire or water district, or in the event of the physical or mental incapacity or death of such fire fighter or police officer, by someone in his behalf, the board or officer of such city, town or district authorized to appoint fire fighters or police officers, as the case may be, shall determine whether it is appropriate under all the circumstances for such city, town or district to indemnify such fire fighter or police officer for his reasonable hospital, medical, surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for chiropody (podiatry) incurred as the natural and proximate result of an accident occurring or of undergoing a hazard peculiar to his employment, while acting in the performance and within the scope of his duty

without fault of his own. If such board or officer determines that indemnification is appropriate, such board or officer shall certify for payment, either directly or by way of reimbursement, by such city, town or district, in the same manner as a bill lawfully incurred by such board or officer but out of an appropriation for the purposes of clause (32) of section five of chapter forty, such of said expenses as may be specified in such certificate. Whenever such board or officer denies an application in whole or in part, such board or officer shall set forth in writing its or his reasons for such denial and cause a copy thereof to be delivered to the applicant. At any time within two years after the filing of an application as aforesaid, an applicant aggrieved by any denial of his application or by the failure of such board or officer to act thereon within six months from the filing thereof may petition the superior court in equity to determine whether such board or officer has without good cause failed to act on such an application or, in denying the application, in whole or in part, has committed error of law or has been arbitrary or capricious, or has abused its or his discretion, or otherwise has acted not in accordance with law. After due notice and hearing, such court may order such board or officer to act on such application or to consider, or further consider, and determine the same in conformity with law.

Notwithstanding the provisions of section one hundred A or section one hundred D or any contrary provisions of any other general or special law, a city or town shall indemnify a police officer or fire fighter, to the extent and in the manner herein

provided and subject to the same limitations, for expenses or damages incurred by him in the defence or settlement of a claim against him for acts done by him while operating a motor vehicle as such police officer or fire fighter.

For the purposes of this section, call firemen and volunteer firemen shall be considered fire fighters. This section shall be construed to require a city, town or district to indemnify, in the manner and to the extent herein provided, any fire fighter or police officer who is assigned to special duty by a superior officer for expenses or damages sustained by such fire fighter or police officer in the performance of such duty, whether or not he is paid for such special duty by the city, town or district, or otherwise. This section shall also be construed to require a city, town or fire or water district to pay compensation, in the manner herein provided, for damages, including loss of pay, for personal injuries, whether or not death results, and for property damage sustained by a person while assisting a police officer thereof in the discharge of his duty upon his requirement, and to require a city, town or fire or water district to indemnify in the manner herein provided a person required to assist a police officer in the performance of his duty for expenses or damages incurred by such person in the defence or settlement of an action against him for acts done by him while so assisting such police officer.

In any city which by ordinance shall so provide, the powers vested, and duties imposed, by this section upon the board or officer authorized to appoint police officers, firemen or members

of the fire department of such city shall be exercised and performed by a majority of the members of a panel consisting of (a) such officer or the chairman of such board, (b) the city solicitor or other officer having similar duties or a person designated in writing by such solicitor or officer to act for him, and (c) such physician as the city manager or, if there is none, the mayor shall in writing appoint.

In any town which by by-law shall so provide, the powers vested, and duties imposed, by this section upon the board or officer authorized to appoint fire fighters in such town shall be exercised and performed by a majority of the members of a panel consisting of (a) such officer or the chairman of such board, (b) the town counsel or other officer having similar duties or a person designated in writing by such counsel or officer to act for him, and (c) such physician as the board of selectmen shall in writing appoint.

Where the injury for which any payment is made under the provisions of this section by a city, town or fire or water district for reasonable hospital, medical, surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for chiropody (podiatry) was caused under circumstances creating a legal liability in some person to pay damages in respect thereof, either the person so injured or the city, town or fire or water district making such payment may proceed to enforce the liability of such person in any court of competent jurisdiction. The sum recovered shall be for the benefit of the city, town or fire or

water district making such payment, unless the sum is greater than such payment, in the event the excess shall be retained by or paid to the person so injured. For the purposes of this section, "excess" shall mean the amount by which the total sum received in payment for the injury, exclusive of interest and costs, exceeds the amount paid under this section. The party bringing the action shall be entitled to any costs recovered by him. Any interest received in such action shall be apportioned between the city, town or fire or water district and the person so injured in proportion to the amounts received by them respectively, exclusive of interest and costs. The expense of any attorney's fees shall be divided between the city, town or fire or water district and the person so injured in proportion to the amounts received by them respectively.

Whoever intentionally or negligently injures a firefighter or police officer for which he is paid indemnification under this section shall be liable in tort to the city, town or fire or water district for the amount of indemnification so paid.